

It is acknowledged that BPL will likely create interference with primary spectrum users, including emergency services. This has been demonstrated in studies and has been addressed by FEMA in its comments.

The position taken by the proposed rules is that interference issues can be addressed. Without commenting on this assumption, I must point out that the rules provide inadequate assurances that the interfering party will be required to take action to eliminate the interference. The proposed rules leave the primary burden of enforcement on the injured party. Your staff does a fine job, but your resources are limited. With the proliferation of BPL, the complaints will be daunting and the resulting backlog will be unpalatable.

I recommend that the onus for investigation be placed upon BPL providers, that each provider must investigate each claim of interference against them and give substantial evidence that the interference is from another source. It should be required that the claims be investigated within thirty days, that the source be identified to the FCC and the complainant within fifteen days thereafter, and if the source is the BPL provider, that the interference be eliminated within the following fifteen days.

Along with the requirement to address complaints, there should be a provision for liquidated damages for failure of the BPL to timely act. Damages of fifty dollars per day should be levied for each day from the earliest day that the BPL provider fails to act until the appropriate action is completed.

With impetus on the BPL provider to cure interference, objections to BPL should be reduced, the burden on the FCC should be lessened, and interference problems should be minimized. If, in fact, BPL providers believe that interference problems will be minimal and easy to correct, they should have no objections to this proposal.

Thank you for your consideration,
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